REMARKS

Claims 1, 2, 5, 11-13, 16, 19, 34 and 36 stand rejected. Claims 1, 5 and 36 are amended. No claims are cancelled. Claim 37 is added. Accordingly, claims 1, 2, 5, 11-13, 16, 19, 34, 36 and 37 are presented for examination.

Support for the amendment to claim 1 is found, for example, from page 7, line 25, to page 8, line 2; and from page 31, line 16, to page 32, line 8, of the application.

Claims 5 and 36 are amended in view of the amendment to claim 1.

New claim 37 is the same as claim 36 except it depends from claim 5 instead of claim 1.

No new matter is added.

Claim Rejections Under 35 U.S.C. § 112

Claims 1, 2, 5, 11-13, 16, 19, 34 and 36 stand rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The Examiner asserts that the claim(s) contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Applicants amend and traverse as follows.

Claim 1 previously recited that from 0-6 of any of the six CDRs of the claimed antibody or fragment could be mutated at one amino acid position. Claim 1 is presently amended such that the claimed antibody or fragment comprises the five CDRs of SEQ ID NOS: 1-5 and a sixth CDR of SEQ ID NO: 6 (CDRH3; sequence is "GQGY") or an analog thereof. The claim further recites that the analog of CDRH3 can only differ from SEQ ID NO: 6 by one amino acid.

Applicants submit that presently amended claim 1 satisfies the written description requirement. The amendments to claim 1 are related to analogs of only a single CDR. In addition, the CDR in question, CDRH3, is only four amino acids in length. Accordingly, the size of the presently claimed genus is significantly smaller than the previously claimed genus: only one position of a four amino acid region can be mutated. Conversely, the portions of the molecule identified for binding or neutralization has increased (SEQ ID NOS: 1-5 and at least three amino acids of SEQ ID NO:6).

Page 31, line 16, to page 32, line 8, of the application clearly indicates that single mutations in the CDRs were constructively conceived by the applicants. In addition, page 37, lines 17-22 recites:

> It will be understood by those skilled in the art that an engineered antibody may be further modified by changes in variable domain amino acids without necessarily affecting the specificity and high affinity of the donor antibody (i.e., an analog). It is anticipated that heavy and light chain amino acids may be substituted by other amino acids either in the variable domain framework or CDRS or both.

Accordingly, based on the size of the claimed genus, the portions of the molecule identified for binding or neutralization, and the teachings of the specification one of ordinary skill in the art would recognize that applicants were in possession of what is claimed. Thus, applicants request that the rejection of claims 1, 2, 5, 11-13, 16, 19, 34 and 36 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement, be withdrawn.

Respectfully submitted,

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